

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 580

Introduced by Assembly Member ~~Huber Galgiani~~
(Principal coauthors: ~~Assembly Members Gaines and Logue~~)
(Coauthors: ~~Assembly Members Chesbro, Jeffries, and Nielsen~~)

February 25, 2009

~~An act to amend Section 13291 of the Water Code, relating to water quality.~~ *An act to add Section 44274.8 to the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as amended, ~~Huber Galgiani~~. ~~Onsite sewage treatment systems.~~ *Air Quality Improvement Program: rebates.*

Existing law establishes the Air Quality Improvement Program, administered by the State Air Resources Board (state board), to fund, upon appropriation by the Legislature, air quality improvement projects related to fuel and vehicle technologies.

This bill, in implementing the Clean Vehicle Rebate Project, administered by the California Center for Sustainable Energy, with funds made available by the state board pursuant to the Air Quality Improvement Program would require, rebates to be made available from existing program funds for the purchase of eligible medium- or heavy-duty commercial vehicles from a California manufacturer in an

amount 40% greater than the rebates made available for the purchase of eligible medium- or heavy-duty commercial vehicles not from a California manufacturer.

~~Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with other entities, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the state board to apply those regulations or standards to those systems commencing 6 months after their adoption. The act requires the regulations or standards to include exemption criteria established by the California regional water quality control boards. The act requires the regulations to include minimum operating requirements and requires that the regulations authorize a qualified local agency to implement the requirements adopted under the act if the local agency requests authorization.~~

~~This bill would require that onsite sewage treatment systems be classified by the state board into regulatory tiers based on the demonstrated risk each system poses to the public health and environment. The bill would also specify that the exemption criteria to be contained in the regulations may also be established by the state board in addition to the regional boards. The bill would delete from the local agency implementation provision the condition that the local agency request authorization.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44274.8 is added to the Health and Safety
- 2 Code, to read:
- 3 44274.8. (a) *In implementing the Clean Vehicle Rebate Project,*
- 4 *administered by the California Center for Sustainable Energy,*
- 5 *with funds made available by the state board pursuant to this*
- 6 *article, rebates shall be made available from existing program*
- 7 *funds for the purchase of eligible medium- or heavy-duty*
- 8 *commercial vehicles from a California manufacturer in an amount*
- 9 *40 percent greater than the rebates made available for the*
- 10 *purchase of eligible medium- or heavy-duty commercial vehicles*
- 11 *not from a California manufacturer.*

1 (b) (1) As used in this section “California manufacturer” means
2 any sole proprietorship, partnership, joint venture, corporation,
3 or other business entity that manufactures eligible vehicles in
4 California and that meets either of the following criteria:

5 (A) The owners or policymaking officers are domiciled in
6 California and the permanent principal office, or place of business
7 from which the manufacturer’s trade is directed or managed, is
8 located in California.

9 (B) A business or corporation, including those owned by, or
10 under common control of, a corporation, that meets all of the
11 following criteria continuously during the five years prior to selling
12 an eligible vehicle to a rebate recipient:

13 (i) Owns and operates a manufacturing facility located in
14 California that builds or manufactures eligible vehicles.

15 (ii) Is licensed by the state to conduct business within the state.

16 (iii) Employs California residents for work within the state.

17 (2) For the purposes of qualifying as a California manufacturer,
18 a distribution or sales management office or facility does not
19 qualify as a manufacturing facility.

20 SECTION 1. ~~The Legislature finds and declares the following:~~

21 ~~(a) The Legislature commends the State Water Resources~~
22 ~~Control Board for listening to public concerns regarding the onsite~~
23 ~~sewage treatment system regulatory program and responding to~~
24 ~~those concerns by reevaluating regulations adopted pursuant to~~
25 ~~Chapter 781 of the Statutes of 2000 (Assembly Bill 885 of the~~
26 ~~1999–00 Regular Session).~~

27 ~~(b) The Legislature encourages the board to draft regulations~~
28 ~~that ensure local control, cure failing septic systems, and minimize~~
29 ~~cost to homeowners.~~

30 ~~(c) It is the intent of the Legislature to assist the board’s efforts~~
31 ~~through clarifying legislation if necessary.~~

32 SEC. 2. ~~Section 13291 of the Water Code is amended to read:~~

33 13291. (a) On or before January 1, 2004, the state board, in
34 consultation with the State Department of Health Services, the
35 California Coastal Commission, the California Conference of
36 Directors of Environmental Health, counties, cities, and other
37 interested parties, shall adopt regulations or standards for the
38 permitting and operation of all of the following onsite sewage
39 treatment systems in the state and shall categorize each of the
40 following systems into regulatory tiers based on the demonstrated

1 risk posed to the public health and the environment by each system.
2 ~~The state board shall apply those regulations or standards~~
3 ~~commencing six months after their adoptions:~~

- 4 (1) ~~Any system that is constructed or replaced.~~
- 5 (2) ~~Any system that is subject to a major repair.~~
- 6 (3) ~~Any system that pools or discharges to the surface.~~
- 7 (4) ~~Any system that, in the judgment of a regional board or~~
8 ~~authorized local agency, discharges waste that has the reasonable~~
9 ~~potential to cause a violation of water quality objectives, or to~~
10 ~~impair present or future beneficial uses of water, to cause pollution,~~
11 ~~nuisance, or contamination of the waters of the state.~~

12 (b) ~~Regulations or standards adopted pursuant to subdivision~~
13 ~~(a), shall include, but shall not be limited to, all of the following:~~

14 (1) ~~Requirements that local programs include minimum~~
15 ~~operating standards that may include siting, construction, and~~
16 ~~monitoring to determine system performance.~~

17 (2) ~~Requirements for onsite sewage treatment systems adjacent~~
18 ~~to impaired waters identified pursuant to subdivision (d) of Section~~
19 ~~303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).~~

20 (3) ~~Requirements authorizing a qualified local agency to~~
21 ~~implement the requirements adopted under this chapter within its~~
22 ~~jurisdiction.~~

23 (4) ~~Requirements for corrective action when onsite sewage~~
24 ~~treatment systems fail to meet the requirements or standards.~~

25 (5) ~~Exemption criteria to be established by the state board or~~
26 ~~the regional boards.~~

27 (6) ~~Requirements for determining a system that is subject to a~~
28 ~~major repair, as provided in paragraph (2) of subdivision (a).~~

29 (c) ~~This chapter does not diminish or otherwise affect the~~
30 ~~authority of a local agency to carry out laws, other than this chapter,~~
31 ~~that relate to onsite sewage treatment systems.~~

32 (d) ~~This chapter does not preempt any regional board or local~~
33 ~~agency from adopting or retaining standards for onsite sewage~~
34 ~~treatment systems that are more protective of the public health or~~
35 ~~the environment than this chapter.~~

36 (e) ~~Each regional board shall incorporate the regulations or~~
37 ~~standards adopted pursuant to subdivisions (a) and (b) into the~~
38 ~~appropriate regional water quality control plans.~~